

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1780.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Steve Starbuck</b>
<b>DATE OF COMPLAINT:</b>	<b>July 13, 2001</b>
<b>DATE OF REPORT:</b>	<b>August 8, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>September 26, 2001</b>

**COMPLAINT ISSUES:**

Whether the School City of Hammond violated:

511 IAC 7-27-5(d)(3) with regard to the school's alleged failure to obtain written parental consent when proposing a revised individualized education program (IEP) that involves a change of placement.

511 IAC 7-21-2(a) with regard to the school's alleged failure to utilize licensed teachers to instruct the student at the Area Career Center/Project LEARN.

**FINDINGS OF FACT:**

1. The student is sixteen years old, will attend the tenth grade this fall, and has been determined eligible for special education due to an emotional disability.
2. The parent states the student was placed on homebound instruction from an alternative school program without her written consent. She reports this change of placement occurred around May 18, 2001. The parent states that, although she disagreed with the school's decision to change the student's placement, she allowed the student to participate in the homebound instruction so he could earn credits for the second semester. According to the Case Conference Report and IEP form SE 201-10 dated May 17, 2001, the student's educational placement was changed on May 18, 2001, from the alternative school program to homebound instruction. The Consent for Educational Placement form dated May 17, 2001, reflects that the parent refused to sign the form to give consent for the change of placement. The director acknowledges that a change of placement occurred on May 18, 2001, without first receiving the parent's written consent. The parent did give consent for the student to continue with homebound instruction through the conclusion of the 2000-2001 school year at a CCC meeting convened on May 31, 2001.
3. The parent asserts that when the student attended the alternative school program (Project LEARN) during the 2000-2001 school year, he received instruction from two staff members who were not appropriately licensed to provide the student with instruction. The teacher's license for staff member A was provided by the director demonstrating that the staff member was appropriately licensed to provide instruction to the student during the 2000-2001 school year. The license reflects that staff member A was licensed to teach special education for grades kindergarten through grade twelve. The teacher's license for staff member A was issued on February 25, 2000, and has an expiration date of February 25, 2005. According to the parent and the director, staff member B provided instruction to the student from the end of January through mid-May 2001. As

documentation of staff member B's credentials, the director provided a copy of staff member B's substitute teacher's certificate. The substitute teacher's certificate indicates that this was an original certificate. Although staff member B had attained the minimum educational requirements to provide instruction to the student at the time he was employed by the school, the substitute teacher's certificate was not issued until April 27, 2001. The director reports that there was a significant delay in issuing the substitute teacher's certificate because staff member B was delinquent in providing the necessary information to the Professional Standards Board.

#### **CONCLUSIONS:**

1. Finding of Fact #2 reflects that the school failed to obtain written parental consent when proposing a revised IEP that involved a change of placement. Therefore, a violation of 511 IAC 7-27-5(d)(3) is found.
2. IC 20-6.1-3-2 specifies that a person may not serve as a substitute teacher without a license issued by the Professional Standards Board. Article 7 stipulates that all personnel employed or contracted by a public agency to provide or supervise the provision of special education or related services shall be appropriately licensed or certified to provide the services for which the individual is employed or contracted in accordance with standards established by the Indiana Professional Standards Board or other applicable licensing and certification bodies. Finding of Fact #3 reflects that staff member B provided instruction to the student from late January through mid-May 2001; however, staff member B's substitute teacher's certificate was not issued until April 27, 2001. Therefore, a violation of 511 IAC 7-21-2(a) is found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The School City of Hammond shall:

1. Inservice all appropriate school personnel involved in the hiring process for special education teaching staff as to the requirements specified in 511 IAC 7-21-2(a). The inservice training shall emphasize that all personnel employed or contracted by the public agency shall be appropriately licensed or certified prior to providing the services for which the individual is employed. Inservice all appropriate school personnel as to the requirement specified in 511 IAC 7-27-5(d)(3). The inservice training shall emphasize that a change of placement shall not occur prior to obtaining written parental consent. Submit documentation to the Division that the inservice training has been completed for both issues no later than September 28, 2001. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: August 8, 2001